

**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

<p>JESSE HERRICK, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3181</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>ROBERT CARLSON, on behalf of himself and all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3184</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>CAREY M. BALLARD, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3185</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>

<p>JENNIFER HEGARTY, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3186</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>AMANDA BEASLEY, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3187</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>MICHAEL VARLOTTA, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3188</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>

<p>DYLAN HOLLENKAMP, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3189</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>WILLIAM SPEARMAN, BRITTNI LINN, JESSICA ALEXANDER, CHRISTOPHER SANGMEISTER, TAYLOR VETTER, NICHOLE ALLOCCA, KAYLI LAZARD, and BRIDGET CAHILL, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3191</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>BARBARA MILLER, on behalf of herself and all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3193</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>

<p>FRANCINE SIMMONS, individually and on behalf all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3194</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>ANTONIA BIRD, individually, and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3195</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>VERONICA JOAQUIN-TORRES, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3196</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>

<p>KENNEDY FREEMAN, and AARON MORRIS, Individually, and on Behalf of All Others Similarly Situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3197</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>MIA SAYERS and KYLEE WILLIAMS, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3203</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>PAMELA BUMP, MELISSA CHARBONNEAU, DOUGLAS CONLEY, NOAH HELVEY, DALLIN ILER, DUSTIN JONES, DEVINNE PETERSON, JUSTIN RANDALL, SOFIA RODRIGUEZ, and RACHEL WOODS, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3204</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>

<p>CHRISTOPHER CORDARO, Individually, and on Behalf of All Others Similarly Situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3207</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>RYAN GAMEN, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3209</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>HUNTER FREELAND, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3211</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>

<p>MAX EICHENBLATT, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3227</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>NEIL KITZLER, an individual, and on behalf of classes of similarly situated individuals,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC, a Nebraska Limited Liability Company, and DOES 1 to 10, inclusive,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 4:22-cv-3241</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>ANTHONY QUINN, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>EDFINANCIAL SERVICES, LLC and NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 8:22-cv-413</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>

<p>IAN SCOTT, LESLY CANALES, ERIC POLANCO, JOSHUA SANCHEZ, and DELILAH OLIVEIRA, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3259</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>GARNER KOHRELL, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3267</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>

**DECLARATION OF GARY M. KLINGER IN SUPPORT OF PLAINTIFFS' MOTION
TO CONSOLIDATE PURSUANT TO FED. R. CIV. P. 42(a) AND FOR APPOINTMENT
OF INTERIM CO-LEAD COUNSEL PURSUANT TO FED. R. CIV. P. 23(g)(3)**

I, Gary Klinger, being competent to testify, make the following declaration based on my personal knowledge, and where stated, upon information and belief. I declare:

1. I am a partner in the law firm Milberg Coleman Bryson Phillips Grossman, PLLC (“Milberg”), and am one of the lead attorneys for Plaintiffs Jesse Herrick, Carey M. Ballard, Amanda Beasley, Jennifer Hegarty, and Barbara Miller (“Plaintiffs”) in this matter. I submit this declaration in support of Plaintiffs’ Motion to Consolidate Pursuant to Fed. R. Civ. P. 42 and for Appointment of Interim Co-Lead Counsel Pursuant to Fed. R. Civ. P. 23(g)(3) (the “Motion”). Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called upon to do so.

2. In August of 2022, Milberg began investigating potential claims arising out of the compromise of the PII belonging to over 2.5 million individuals as a result of Defendant’s failure to implement proper data security safeguards. As part of that investigation, Milberg researched factual and legal issues pertaining to the breach, communicated with consumers impacted by the data breach, and engaged a retired FBI agent to investigate the scope of the data breach. On August 30, 2022, Milberg and co-counsel filed the first filed case in this matter on behalf of Plaintiff Jesse Herrick, captioned *Herrick v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03181. Milberg and co-counsel subsequently investigated, researched, and filed four additional actions in this District, captioned *Ballard v. Nelnet Servicing, LLC*, No. 4:22-cv-03185, (D. Neb.); *Hegarty v. Nelnet Servicing, LLC*, No. 4:22-cv-03186 (D. Neb.); *Beasley v. Nelnet Servicing, LLC*, No. 4:22-cv-03187 (D. Neb.); and *Miller v. Nelnet Servicing, LLC*, No. 4:22-cv-03193 (D. Neb.).

3. Counsel for the majority of cases filed as of September 9, 2022 including the *Kohrell* case then pending in the Eastern District of Tennessee participate in a plaintiffs’ coordination phone call on September 9, 2022 in an attempt to work together as much as possible

to make these proceedings more efficient for the Court and the parties. I was part of the counsel on the *Herrick* case who coordinated this phone call.

4. In September and October of 2022, I spoke with counsel for Plaintiffs in three actions filed outside of this district, *Quinn v Edfinancial Services, LLC et al.*, No. 1:22-CV-05467 (N.D. Ill. filed October 5, 2022); *Kitzler v. Nelnet Servicing, LLC*, No. 2:22-cv-06550 (C.D. Cal., filed Sept. 13, 2022); and *Eichenblatt v. Nelnet Servicing, LLC*, No. 6:22-CV-01794 (M.D. Fla. filed Oct. 3, 2022), and as a result of our discussion, counsel for Plaintiffs in those actions agreed to voluntarily transfer their actions to the District of Nebraska.

5. My co-counsel on the Herrick complaint, Terence R. Coates, attended the JPML hearing in New York on December 1, 2022 and argued that the request to centralize the cases in this litigation under § 1407 was premature, inefficient, and conducting in a manner that would put a chilling effect on the parties ability to informally coordinate to consolidate cases under § 1404. Ultimately, the JPML agreed with Mr. Coates's argument and denied the *Spearman* and *Bump* Plaintiffs' attempt to create an MDL for this case.

6. In September of 2022, Plaintiffs entered into discussions with counsel for Defendant regarding the potential for a negotiated class wide settlement. On November 21, 2022, the parties engaged in mediation before the Hon. Louis Meisinger (Ret.) of Signature Resolution. Prior to mediation, Plaintiffs served, and Defendant responded to, informal discovery requests regarding the nature of the data breach, the size and scope of the breach, and other information necessary to evaluate a potential classwide settlement. While negotiations were professional, albeit antagonistic, the parties were unable to realize a settlement.

7. In December of 2022 I spoke with Norman Siegel of Stueve Siegel Hanson, counsel for the plaintiff in *Freeland v. Nelnet Loan Servicing, LLC*, No. 4:22-cv-03211 (D. Neb.). During

the course of our conversation, Mr. Siegel indicated his assent to the leadership structure proposed in the Motion.

8. In December of 2022 I spoke with John Yanchunis of Morgan & Morgan, counsel for the plaintiff in *Carlson v. Nelnet Servicing, LLC*, No. 4:22-cv-03184-JMG (D. Neb.). During the course of our conversation, Mr. Yanchunis indicated his assent to the leadership structure proposed in the Motion.

9. In December of 2022 I spoke with Raina Borrelli of Turke & Strauss LLP, counsel for the plaintiff in *Miller v. Nelnet Servicing, LLC*, No. 4:22-cv-03193, (D. Neb.). During the course of our conversation, Ms. Borrelli indicated that she supports the leadership structure proposed in the Motion.

10. In December of 2022 I emailed with Bryan Bleichner of Chestnut Cambronne PA, counsel for the plaintiff in *Ballard v. Nelnet Servicing, LLC*, No. 4:22-cv-03185, (D. Neb.). During the course of our communications, Mr. Bleichner indicated that he supports the leadership structure proposed in the Motion.

11. In January of 2023 my co-counsel, Terence R. Coates, spoke with Rachele Byrd of Wolf Haldenstein Adler Freeman & Herz LLP, counsel for the plaintiff in *Freeman v. Nelnet Servicing, LLC*, No. 4:22-cv-03197, (D. Neb.). During the course of their conversation, Ms. Byrd indicated that she supports the leadership structure proposed in the Motion.

12. In January of 2023 my co-counsel, Terence R. Coates, communicated with Brandon Wise of Peiffer Wolf Carr Kane Conway & Wise LLP, counsel for the plaintiffs in *Varlotta v. Nelnet Servicing, LLC*, No. 4:22-cv-03188, (D. Neb.) and *Hollenkamp v. Nelnet Servicing, LLC*, No. 4:22-cv-03189, (D. Neb.). During the course of those communications, Mr. Wise indicated that he supports the leadership structure proposed in the Motion.

13. In January of 2023 I emailed with Joseph Lyon of The Lyon Firm, counsel for the plaintiff in *Beasley v. Nelnet Servicing, LLC*, No. 4:22-cv-03187 (D. Neb.). During the course of our emails, Mr. Lyon indicated that he supports the leadership structure proposed in the Motion.

14. In December of 2022 I spoke with Lori Feldman of George Gesten McDonald, PLLC, counsel for the plaintiff in *Hegarty v. Nelnet Servicing, LLC*, No. 4:22-cv-03186 (D. Neb.). During the course of our conversation, Ms. Feldman indicated that she supports the leadership structure proposed in the Motion.

15. In December of 2022 I spoke with William Federman of Federman & Sherwood, counsel for the plaintiff in *Sayers v. Nelnet Servicing, LLC*, No. 4:22-cv-03203, (D. Neb.). During the course of our conversation, Mr. Federman indicated that he supports the leadership structure proposed in the Motion.

16. In December of 2022 I spoke with Anderson Berry of The Arnold Law Firm, counsel for the plaintiff in *Gamen v. Nelnet Servicing, LLC*, No. 4:22-cv-03209, (D. Neb.). During the course of our conversation, Mr. Berry indicated that he supports the leadership structure proposed in the Motion.

17. In December of 2022 and January of 2023 my co-counsel, Terence R. Coates, spoke and emailed with Nicholas Migliaccio and Jason Rathod of Migliaccio & Rathod LLP, counsel for the plaintiff in *Joaquin-Torress v. Nelnet Servicing, LLC*, 4:22-cv-03196 (D. Neb.). During the course of those communications, counsel indicated that they support the leadership structure proposed in the Motion.

18. In January of 2023 I emailed with Kiley Grombacher of Bradley/Grombacher, LLP, counsel for the plaintiff in *Kitzler v. Nelnet Loan Servicing, LLC*, No. 4:22-cv-03241, (D. Neb.).

During the course of our communications, Ms. Grombacher indicated that she supports the leadership structure proposed in the Motion.

19. In January of 2023 I spoke with Bryan Thompson, counsel for the plaintiff in *Quinn v. Edfinancial Services, LLC et al*, No. 8:22-CV-00413, (D. Neb.). During the course of our conversation, Mr. Thompson indicated that he supports the leadership structure proposed in the Motion.

20. Milberg is well equipped to prosecute this action on behalf of the putative classes. Milberg is self-funded, capable of advancing the costs of litigation, and does not rely on third party financing. Milberg has not entered into any agreements with counsel for the Related Actions with respect to funding, cost-sharing, pooling clients, fees, or any other matter.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct, and that this declaration was executed in Chicago, IL on this 3rd day of January, 2023.

/s/ Gary M. Klinger

Gary Klinger

**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 3, 2023, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Gary M. Klinger

Gary M. Klinger